D.B. CIVIL WRIT PETITION NO. 2476/05
(Smt. Aruna Chawada Vs. U.O.I. & Ors.)

Date: 15.05.2006

HON'BLE MR. RAJESH BALIA,J.
HON'BLE MR. R.P.VYAS,J.

Mr. Kamal Dave, for the appellant.
Mr. V.K.Mathur, for the respondents.

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Heard learned counsel for the appellant as well as the learned counsel for the respondents.

Learned counsel for the petitioner submits that petitioner is the wife of deceased and applied for appointment on compassionate ground on the Group D post. Petitioner's husband late Sh. Rajendra Singh who was working as Postal Assistant in the Pali Dn had expired on 20.2.2002. As per required qualification the petitioner was eligible for appointment on compassionate ground against the vacancy for direct recruitment for Group D cadre. Petitioner was not recruited on compassionate ground but at her place another lady Smt. Dakha Devi wife of Sh. Ghanshyam Meena got appointment on compassionate ground. Petitioner's case was rejected, Vide Annex.2. The original application filed by the petitioner was rejected by the Tribunal vide its order 30.6.04. It opined that the case of the applicant has been considered on the basis of comparative assessment of the

financial position, liabilities and other sources of income, the terminal benefit and availability of vacancies. It is found that the case of the first applicant was not to be more indigent in comparison to other cases. Therefore, the appointment against only vacancy was offered to Smt. Dekha Devi who was found to be in most indigent circumstance, so as to be given relief in the first instance by offering employment on compassionate ground. Learned counsel for the petitioner contends that only on ground that the petitioner is receiving the family pension and has received terminal benefits which in all cases the family members will be receiving, such benefit. Only on this sole ground, such application cannot be rejected.

The learned Tribunal in its finding observed that respondents have examined the case of the petitioner alongwith others on the same yardstick and has rightly observed that there was no specific ground on which petitioner could get right to be appointed on the said vacant post and on her place another lady Smt. Dekha Devi was given appointment, because she being the person in most indigent circumstances. Therefore, the Tribunal has not committed any error in not accepting the case of the petitioner.

The application was rejected because she was found better placed than others on the comparison of financial status of number of applicants standing in queue for seeking appointment on compassionate ground is an exception to general rule of recruitment which was extended to limited vacancies. Smt. Dekha Devi who was offered employment, was a widow having five members in the family with no residential house of her own. She was getting Rs. 1575+ DA as pension and Rs. 79406 was received by her as the terminal benefit, was preferred in comparison the petitioner, has two children and she was in receipt of family pension of Rs. 2625 + DA allowance every month and had also received terminal benefits of Rs. 1,84,000/-. The petitioner and her family is in their own house. This comparison clearly makes out that the lady who has been given appointment on compassionate ground, was more disadvantageously placed in life in comparison to present petitioner-appellant. Therefore, Smt. Dekha Devi got appointment. In that event if the assistance is reached to said Smt. Dekha Devi in preference of Aruna Devi no exception can be taken.

The appeal therefore fails and is hereby dismissed.

No costs.

(R.P.VYAS),J. **(RAJESH BALIA),J.**

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